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## State of Louisiana

DEPARTMENT OF JUSTICE  
CIVIL DIVISION  
P.O. BOX 94005  
BATON ROUGE  
70804-9005

May 29, 2019  
**OPINION 19-0001**

Ms. Lisa M. Hudson  
Personnel Director  
City of New Orleans  
Department of City Civil Service  
1340 Poydras St., Suite 900  
New Orleans, LA 70112

107-A – SPECIAL DISTRICTS

La. R.S. 33:9101 *et seq.*

The administration of the "NOLA 311" call center does not appear to comport with the stated purpose of the Orleans Parish Communications District. As a result, the Orleans Parish Communications District may not use its funds to administer the "NOLA 311" call center. Moreover, this office does not opine on individual employment-related issues of the City of New Orleans.

Dear Ms. Hudson:

You have requested an opinion from this office regarding a cooperative endeavor agreement between the City of New Orleans (the "City") and the Orleans Parish Communications District ("OPCD"). Specifically, you ask whether the OPCD may assume the responsibility of administering the City's non-emergency services call center ("NOLA 311") in addition to the City's 911 emergency call center.

This office has previously opined that the OPCD may enter into a cooperative endeavor agreement ("CEA") with the City in order to administer and fund the City's 911 emergency call center.<sup>1</sup> Your request now asks whether this CEA may be expanded to include the OPCD's administration and funding of the City's NOLA 311 call center. In addition, your request asks how to properly treat certain classified employees of the City who have been displaced because of this expanded CEA.

The OPCD was established as a communications district in 1982.<sup>2</sup> The Act which created the OPCD was amended in 1995 to provide that the purpose of the OPCD was to:

[E]stablish the number 911 as the primary emergency telephone number for use in Orleans Parish and to provide for the identification of all streets, roads, highways, and dwelling places in such districts which are not otherwise designated by name and number, and to provide for other communication enhancements for law enforcement and public safety agencies to decrease response time and improve effectiveness.<sup>3</sup>

<sup>1</sup> La. Atty. Gen. Op. No. 15-0166.

<sup>2</sup> See 1982 La. Acts No. 155.

<sup>3</sup> See 1995 La. Acts No. 726.

Additionally, the Legislature has further provided for identical purposes of other parishwide communications districts.<sup>4</sup> Thus, according to the express language of the Act and La. R.S. 33:9102(A), the purposes of the OPCD are to establish the number 911 as the primary emergency telephone number, provide for street and road designations, and to provide other communication enhancements to decrease response time and improve effectiveness for law enforcement.<sup>5</sup>

Your request states that the NOLA 311 call center “serves as New Orleans residents’ primary source for local government information regarding non-emergency services.” Pursuant to the expanded CEA, the OPCD would “begin fielding non-emergency calls related to general City services.” However, the administration of non-emergency phone services is not related to a 911 emergency telephone number, does not provide for street and road designations, and does not appear to assist law enforcement’s response time or effectiveness. Accordingly, the administration of non-emergency calls for local governmental information does not appear to comport with the purpose for which the OPCD was established.

The Act which created the OPCD, and as your request points out, La. R.S. 33:9104, provides that with respect to communications districts, “[t]he digits 911 shall be the primary emergency telephone number, but the involved agencies may maintain a separate secondary backup number and *shall maintain a separate number for nonemergency telephone calls.*”<sup>6</sup> However, it appears that a reasonable interpretation of this provision is reference to a general office number (i.e., non-911 number) for purposes of contacting the communications district, rather than a number to administer all non-emergency issues of the City. Thus, it is likely improper for a communications district to administer a number for residents to call regarding local governmental information. Instead, it appears that communications districts, including the OPCD, are only authorized to administer the 911 emergency call center as expressly provided in the statute.<sup>7</sup> Therefore, the administration of the NOLA 311 call center does not appear to be a statutory purpose of the OPCD.

Since we have determined that the administration of the NOLA 311 call center does not comport with the stated purpose of the OPCD, the OPCD may not expend its funds for the administration of such. Louisiana Revised Statute 33:9109.2 states that “[n]otwithstanding any provision of law to the contrary, all revenues collected from the assessment of 911 surcharge fees in a parishwide communications district, as provided in this Chapter, shall be used for the express purpose of providing 911 emergency response communications services and operations.”<sup>8</sup> The statute provides further that “[t]he funds shall not be diverted for use by any other entity or for any purpose other than

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<sup>4</sup> La. R.S. 33:9102(A).

<sup>5</sup> See 1995 La. Acts No. 726.

<sup>6</sup> La. R.S. 33:9104. (emphasis added).

<sup>7</sup> See La. R.S. 33:9102(A).

<sup>8</sup> La. R.S. 33:9109(A).

those outlined in this Chapter.”<sup>9</sup> Therefore, the OPCD may not expend its funds to administer the NOLA 311 call center because the NOLA 311 call center does not qualify as a *911 emergency response communications service*, or any other statutory purpose of the OPCD.

Lastly, with respect to your question regarding certain classified employees of the City, this office does not opine on individual employment-related issues of the City. The City should consult with its attorney concerning individual employment issues.

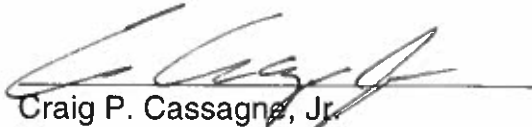
Considering the foregoing, it is the opinion of this office that the administration of the “NOLA 311” call center does not appear to comport with the stated purpose of the Orleans Parish Communications District. As a result, the Orleans Parish Communications District may not use its funds to administer the “NOLA 311” call center. Moreover, this office does not opine on individual employment-related issues of the City of New Orleans.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

Yours very truly,

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ATTORNEY GENERAL

By:

  
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JL/CPC